

REMARKS

Claims 1-14 are currently pending, wherein claims 1-3 and 5-14 have been finally rejected and claim 4 has been allowed. Applicants respectfully request favorable reconsideration in view of the remarks presented herein below.

At the outset, Applicants note with appreciation the indication that claim 4 has been allowed.

In paragraph 2 of the Office Action (“Action”), the Examiner rejects claims 1, 8, 13, and 14 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the admitted prior art (“APA”) discussed on pages 1-3 of the specification, in view of Japanese Patent Publication No. 08-065661 A to Yoshimoto (“Yoshimoto”). Applicants respectfully traverse this rejection.

In order to support a rejection under 35 U.S.C. § 103, the Examiner must establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some motivation to modify/combine the cited references. Second, there must be a reasonable expectation of success. Finally, the combination must teach each and every claimed element. In the present case, claims 1, 8, 13, and 14 are not rendered unpatentable by the combination of the APA and Yoshimoto because the Examiner fails to establish a *prima facie* case of obviousness as discussed below.

Independent claim 1 defines a signal receiver for displaying received broadcast electric waves. The signal receiver includes, *inter alia*, a first memory for storing as a past record information representing whether the signal receiver was previously subjected to an initial setup, and an alarm device for alarming the necessity of the initial setup of the signal receiver when a connection of a power source plug to an external power source is detected and no past record

exists in the first memory, whereby a user performs the initial setup using a guided setup which is initiated in response to the alarm device.

As discussed on pages 1-3 of the specification, the APA fails to provide a receiver on which a user can surely and easily conduct the initial setup. In other words, the APA receiver fails to include a first memory for storing, as a past record, information representing whether the receiver has been subjected to an initial setup and an alarm device for alarming the necessity of the initial setup when a power connection has been detected and no past record exists in the first memory as claimed.

Yoshimoto discloses a satellite broadcasting tuner/receiver that indicates whether or not the settings associated with each channel have been modified from their initial setting. The indication is provided by use of one or more LED displays. However, nowhere in Yoshimoto is there any disclosure or suggestion of an alarm device for alarming the necessity of an initial setup as claimed. To the contrary, Yoshimoto merely discloses indicating whether or not initial settings have been changed.

In rejecting claim 1, the Examiner asserts that it would have been obvious to “modify the admitted prior art with Yuen by using the teaching of Yoshimoto for providing necessity of setup based on whether or not the past recorded exist the memory thereby preventing error for the setup of the receiver.” [SIC] This assertion is unfounded for the following reasons.

At the outset, Applicants note that it is unclear from the Examiner’s conclusion whether the Examiner is rejecting claim 1 under the combination of the APA and Yoshimoto, as recited in paragraph 2, or the combination of the APA, Yuen, and Yoshimoto. In view of the withdrawal of the Examiner’s previous rejection, Applicants assume that the reference to Yuen

in the rejection of claim 1 is the result of a typographical error, and will be disregarded for the purposes of this response.

First, nowhere in Yoshimoto is there any disclosure or suggestion of providing an alarm indicating the necessity of an initial setup when no past record exists in memory or using a guided setup in response to the detection of the initial setup data in memory as asserted by the Examiner. To the contrary, Yoshimoto discloses a receiver which indicates through the use of an LED whether or not the initial settings for each channel have been modified. This is not equivalent to detecting whether or not an initial setup has been completed.

Second, even if, *arguendo*, the modified setting flag of Yoshimoto was equivalent to the claimed past record information, nowhere in Yoshimoto is there any disclosure or suggestion of alarming the necessity of an initial setup in response to detection of a power connection and the lack of a past record as claimed. To the contrary, Yoshimoto fails to disclose or suggest any detection of a power connection and the LED of Yoshimoto are responsive to the presents of a modification flag as opposed to the absence of a past record as claimed.

Since the APA and Yoshimoto both fail to disclose or suggest a signal receiver that includes a first memory and an alarm device as claimed, the combination of these two references cannot possibly disclose or suggest said elements. Therefore, even if one skilled in the art were motivated to combine the APA and Yoshimoto, which Applicants do not concede, the combination would still fail to render claim 1 unpatentable because the combination fails to disclose each and every claimed element.

Independent claim 8 defines an electronic receiver having a plurality of programmable initial settings. The receiver includes, *inter alia*, a controller for detecting whether the initial

settings are programmed into the electronic receiver, an alarm, responsive to the controller, for notifying a user that the initial settings are not programmed into the receiver, an activation device operatively associated with the alarm, and a guided menu for programming the initial settings into the receiver, when the user responds to the alarm and the activation device. In addition, independent claim 14 defines a method for programming an electronic receiver having a plurality of initial settings. The method includes, *inter alia*, detecting whether the initial settings are programmed into the electronic receiver, warning a user that the initial settings are not programmed into the electronic receiver, providing a user input device to be activated in response to the warning, and providing a guided menu for programming the initial settings into the electronic receiver, when the user responds to the warning and activates the input device.

Accordingly, independent claims 8 and 14 are patentable over the combination of the APA and Yoshimoto for at least the reason that the combination fails to disclose each and every claimed element. More specifically, the APA and Yoshimoto both fail to disclose or suggest an alarm and activation device as claimed. (See discussion above with respect to claim 1.)

Claim 13 depends from independent claim 8. Therefore, claim 13 is patentable over the combination of the APA and Yoshimoto for at least those reasons presented above with respect to claim 8. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 8, 13, and 14 under 35 U.S.C. §103.

In paragraph 3 of the Action, the Examiner rejects claims 2 and 9 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the APA in view of Yoshimoto, further in view of U.S. Patent No. 6,370,317 to Nagano et al. ("Nagano"). Applicants respectfully traverse this rejection.

Claims 2 and 9 depend from claims 1 and 8, respectively. Accordingly, claims 2 and 9 are patentable over the combination of the APA and Yoshimoto for at least those reasons presented above with respect to claims 1 and 8.

Nagano discloses an apparatus and method for controlling the recording of television programs. However, Nagano fails to overcome the deficiencies of the APA and Yoshimoto. Therefore, since the APA, Yoshimoto, and Nagano each fail to disclose or suggest a signal receiver that includes a first memory or an alarm as claimed, the combination of these three references cannot possibly disclose or suggest said elements. Therefore, even if one skilled in the art were motivated to combine the APA, Yoshimoto, and Nagano, which Applicants do not concede, the combination would still fail to render claims 2 and 9 unpatentable because the combination fails to disclose each and every claimed element. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 2 and 9 under 35 U.S.C. § 103(a).

In paragraph 4 of the Action, the Examiner rejects claims 3, 5-7, 11 and 12 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the APA in view of Yoshimoto, further in view of U.S. Patent No. 5,575,000 to Park et al. ("Park"). Applicants respectfully traverse this rejection.

Claims 3, 5-7, 11 and 12 variously depend from claims 1 and 8. Accordingly, claims 3, 5-7, 11, and 12 are patentable over the combination of the APA and Yoshimoto for at least those reasons presented above with respect to claims 1 and 8.

Park discloses a method and system for automatically setting broadcasting channels and G-code channels according to respective districts. However, Park fails to overcome the

deficiencies of the APA and Yoshimoto. Therefore, since the APA, Yoshimoto, and Park each fail to disclose or suggest a signal receiver that includes a first memory or an alarm as claimed, the combination of these three references cannot possibly disclose or suggest said elements. Therefore, even if one skilled in the art were motivated to combine the APA, Yoshimoto, and Park, which Applicants do not concede, the combination would still fail to render claims 3, 5-7, 11, and 12 unpatentable because the combination fails to disclose each and every claimed element. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 3, 5-7, 11, and 12 under 35 U.S.C. §103(a).

In paragraph 5 of the Action, the Examiner rejects claim 10 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the APA in view of Yoshimoto and Nagano, further in view of U.S. Patent No. 5,517,321 to Yoshida ("Yoshida"). Applicants respectfully traverse this rejection.

Claim 10 depends from claim 9. Accordingly, claim 10 is patentable over the combination of the APA, Yoshimoto and Nagano for at least those reasons presented above with respect to claim 9.

Yoshida discloses a video tape recorder that measures the time remaining on a tape and compares it with the time programmed for a timer recording. However, Yoshida fails to overcome the deficiencies of the APA, Yoshimoto, and Nagano. Therefore, since the APA, Yoshimoto, Nagano, and Yoshida each fail to disclose or suggest a signal receiver that includes a first memory or an alarm as claimed, the combination of these four references cannot possibly disclose or suggest said elements. Therefore, even if one skilled in the art were motivated to combine the APA, Yoshimoto, Nagano, and Yoshida, which Applicants do not concede, the

combination would still fail to render claim 10 unpatentable because the combination fails to disclose each and every claimed element. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 10 under 35 U.S.C. § 103(a).

The application is in condition for allowance. Notice of same is earnestly solicited. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Penny Caudle (Reg. No. 46,607) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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